

ARREST, THEN FREE, WOMAN IN BIRTH CONTROL CASE

Mrs. Rublee Taken in Custody at Police Headquarters Hearing.

MISTAKE IS ADMITTED

Prosecutor in Court Says There Was No Ground to Base Charge.

Engages Counsel to Take Action Against Police Department.

Mrs. Juliet Barrett Rublee, vice-chairman of the first American birth control conference, announced last night in her home, 248 East Forty-ninth street, she had retained Paul D. Cravath as counsel to take whatever action against the police he deemed necessary as a result of her arrest and subsequent release yesterday on the charge of violating Section 1142 of the Penal Code relating to dissemination of birth control information.

The arrest of Mrs. Rublee occurred at the close of a hearing held in Police Headquarters by Chief Inspector William J. Lahay for the purpose of fixing responsibility for the breaking up of the birth control meeting in the Town Hall on November 13, at which she testified as a witness.

Later in Tombs Court, Magistrate Peter A. Hattling released Mrs. Rublee at the request of Assistant District Attorney James J. Wilson, who admitted he had "no information upon which to base a charge." The complaint stated that Mrs. Rublee had violated that section of the penal code making it a misdemeanor for any one to distribute information or devices pertaining to birth control.

After her release from the Tombs Court, where she spent nearly four hours, Mrs. Rublee returned to her home and issued a statement reflecting the action of the police and declaring it was her duty to draw attention from the investigation of the Town Hall meeting.

She Attacks Arrest.

"My arrest is only another example of the unwarranted and malicious interference of the New York police with the exercise of the right of free speech and personal liberty on the part of birth control advocates," she said. "The hearing before Inspector Lahay at which Mrs. Sanger and I were examined as witnesses was to determine whether charges should be made against Capt. Donohue for having disrupted the Town Hall meeting."

Mrs. Rublee declared the inquiry, held behind closed doors, was conducted in "the most brutal fashion," and that many of the questions were framed in the hope of trapping witnesses into damaging admissions.

Police Realize Mistake.

"That the police realized they had acted hastily and that a second mistake had been made in the birth control case was shown by the silence that prevailed in Police Headquarters after it became known the charge against Mrs. Rublee had been dismissed."

After Mrs. Rublee's acquittal Robert W. Marsh, counsel for the Birth Control League, declared the arrest to be a disgraceful violation of personal liberty, showing either malice or extreme stupidity on the part of the Police Department. Mrs. Margaret Sanger, a leading advocate of birth control, and a number of her friends denounced the action of the police as part of a deliberate programme of persecution and intimidation.

During a discussion between the court and Mr. Marsh regarding the motives of the police, Magistrate Hattling defended the conduct of the officials of the department, expressing the opinion the arrest had been made because of fear of criticism. "That no wrong motive can be attributed either to the heads at Police Headquarters or the men. Whatever they are doing, they are no doubt

British Delegates Are Coming to New York

Special Despatch to THE NEW YORK HERALD.
New York Herald Bureau.
Washington, D. C., Dec. 2.
J. R. Balfour, Sir Maurice Hankey and Sir Arthur Willott of the British delegation will go to Baltimore to-morrow to visit friends and will continue on to New York on Sunday. Lord Riddell will go direct to New York to-morrow afternoon.

FATE OF ARBUCKLE IS IN JURY'S HANDS

Closing Arguments Made by McNab and U'Ren Are Full of Charges.

DEATH THREATS SENT

Alternate Juror Pros- eution Has Failed to Prove Its Case.

SAN FRANCISCO, Dec. 2.—The case of Roscoe C. Arbuckle, motion picture comedian, charged with manslaughter in connection with the death of Virginia Rappe, actress, is in the hands of the jury.

The bailiff entered the jury room at 11 o'clock and then came back and reported the jurors would be locked up for the night.

The case went to the jury at 4:15 P. M. to-day after arguments by counsel and a charge by the Judge, and at 9:15 the verdict seemed as far distant as ever.

Actually the jury had been deliberating only about half the time, however, as it took a recess of two and a half hours for dinner.

The bailiffs were summoned to the jury room twice. Once was to receive a request that the jurors be taken to dinner at the other end of the hall, and that the doors of the room in the hotel where Arbuckle is alleged to have injured Miss Rappe be brought to them for examination. They changed their minds, however, before the request could be met. Each request caused a wave of excitement.

Early in the afternoon the fingerprints of these two doors were the basis of a contention by the prosecution that Arbuckle had a struggle with the girl in the room.

Court Room Door Barred.

Hundreds crowded the court room and adjoining corridors after the dinner period and the door leading into the jury room was closed and several chairs to keep the crowd away from it. Arbuckle appeared nervous and paced in and out of the court room, as had little to do.

The case has occupied the court for approximately three weeks. To-day's entire session was taken up with final arguments to the jury and the jury deliberations.

Testimony of prosecution witnesses was attacked by McNab, who called attention to the testimony of Alfred Semmacher, a leading prosecution witness and manager of Miss Rappe.

"I don't believe Mr. Semmacher. I do not entitle him to any credit at all," McNab said. "He was brought in to give his version of the incident in which Arbuckle placed a piece of ice on Miss Rappe's body after Arbuckle is alleged to have hurt her. That was a purely collateral incident."

Janet for a Witness.

"Mrs. Catherine Fox had a very pleasant trip from Chicago at the expense of the San Francisco taxpayers," continued McNab, "and a very pleasant social visit with Mrs. Bambina Maude Delmont, the complaining witness, whom the prosecution called."

Mrs. Fox was also a leading prosecution witness, testifying that she had known Miss Rappe for several years and that she showed no sign of illness, which the defense said finally caused her death.

Another defence counsel read portions of the testimony of Alice Blake to the jury, testifying that she had known Miss Rappe for several years and that she showed no sign of illness, which the defense said finally caused her death.

Arbuckle could not trust himself to make a straightforward statement at the time of his arrest because "the mob" was threatening him, McNab said.

"If Roscoe Arbuckle had made the statement in public that he made upon the witness stand, God knows what would have happened to him," his counsel said.

Most of McNab's argument dealt with what he termed the "imprisonment" of Miss Zey Prevost and Miss Alice Blake, prosecution witnesses, by the District Attorney, "in order to bring certain testimony from them."

"It was a deliberate conspiracy against Arbuckle," he told the jury. "It was the policy of the police to bring this thing in out of the way. The prosecution wretches tried, from the stand, to deprive this defendant, this stranger within our gates, of his liberty."

McNab had an associate counsel read excerpts from the testimony of Miss Prevost before the Grand Jury, in which she said she was threatened with imprisonment by the police "if she did not say that Miss Rappe exclaimed after being injured: 'He killed me.'"

U'Ren referred to Arbuckle as a "Belshazzar sitting on his throne and pouring wine during the party in the Hotel St. Francis."

Asked at the cessation of arguments what his future plans were, Arbuckle said he would make no statement "until this thing is out of the way." The prosecution reiterated its hope for a speedy conviction.

'BOOTLEG' CAR HITS AMBULANCE, KILLING TWO, HURTING SEVEN

Automobile Headed for Sanitarium Smashed at Connecticut Curve.

REEKING WITH LIQUOR

Three Women, Nurse and Two Patients Are Taken to Hospital.

GO AT TERRIFIC SPEED

Several Men Involved in Previous Cases of Illicit Whiskey Traffic.

Special Despatch to THE NEW YORK HERALD.
Norwalk, Conn., Dec. 2.—An automobile owned by Dr. David W. McFarland, in which his assistant, George W. Dilworth, was taking a nurse and two patients from New York to the physician's sanitarium, was struck by a large touring car on the Post road near here this afternoon. Dilworth and John Zacherino, or Accarino, of Brooklyn, who was in the other machine, were so badly hurt that they died to-night, and three women and four men are in the Norwalk Hospital injured.

According to the Norwalk authorities the car which hit Dr. McFarland's machine was driven by Harry Ferguson of Brooklyn. Others in it besides Zacherino were Angelo Mace, a Westport State school teacher, who has been raided by prohibition enforcement authorities several times; Fred Roberto, a Norwalk jitney driver who is under indictment for carrying concealed weapons and who has been accused of bootlegging by the police, and Ella Stata, keeper of a place where bootleggers keep their cars. Mace and Ferguson have been arrested, charged with reckless driving, and their machine is being held for the coroner. In the car, the Norwalk police said, they found a quart bottle of whiskey, while the odor of liquor was noticeable all over the machine.

Dilworth had left New York earlier in the day with Miss Peggy Bain, a nurse, and two patients, Miss Sarah Schuyler and Mrs. John Waldman of New York. The three women were cut and bruised, but at the hospital it was said that they had not been seriously hurt. Both Mace and Ferguson were badly hurt, but physicians said they probably would recover. The others were only slightly injured. Both cars were badly damaged.

The accident occurred on Nash's curve, where many fatal wrecks have taken place. A few years ago a carload of Bridgeport Sunday school children, returning from a picnic, struck another machine and twelve were killed. About a month later a machine overturned while making the turn and two were killed. Mace, who is held by the police as partly responsible for to-day's accident, killed a child on a Danbury road about a year ago. The Norwalk authorities said that in which he and the others were riding to-day was being driven at more than sixty miles an hour when it hit the machine driven by Dilworth.

Since the accident in which two men were killed a string of lights has been on the turn every night. To-day's accident, however, occurred before dark. Dilworth died before he was able to tell the police how the accident occurred, but the police say that Ferguson was driving the touring car recklessly and disregarded the approach of the McFarland machine.

The Norwalk police said that the number of the machine in which the five men were riding was 35551 N. Y. This number is registered in New York as that of a Hudson touring car owned by Joseph De Rosa of 40 Woodhull street, Brooklyn. De Rosa, who runs a restaurant at that address, said he owned the machine in partnership with a man whose name he could not recall but which he said sounded like Ockerino. This is believed to be the dead man, Zacherino or Accarino. His partner, De Rosa said, was in business somewhere in New York, but he did not know in what sort of business or where.

BARTS BOYS NOT COMING TO BEG FOR HOSPITAL

Drive in New York for London Institution Called Off.

Special Cable to THE NEW YORK HERALD.
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New York Herald Bureau.

Under the pressure of widespread disapproval here, the two "Barts boys" have abandoned their scheme to go to New York to raise \$50,000 to pay off the debts of historic St. Bartholomew's Hospital in London. A strong protest was made against the proposal that they go to New York to solicit public money for this purpose, it being asserted that they should not beg in America for an English institution, no matter how worthy the cause.

The Daily Mail, in condemning the scheme, said undoubtedly they would get the money if they went to the United States, but insisted it would be an unfortunate precedent.

MEN LACK COLOR SENSE, ART EXPERT FINDS

Only One Woman in 1,000 Is Color Blind.

Special Despatch to THE NEW YORK HERALD.
Chicago, Dec. 2.—"One man out of every twenty-five is color blind, while only one woman out of 1,000 is likewise affected," Charles H. Burdick, secretary of the Chicago Art Institute, told to-day the Executive Club of Chicago.

Jersey Fruit Growers Unite for N. Y. Market

THE fruit growers of New Jersey, whose principal market is New York city, met yesterday to organize the New Jersey Fruit Growers Cooperative Association, which will act as a central agency for most of the fruit grown in the State. Just what effect it will have on New York's food bill was not made apparent. Indications of an unusually large fruit crop next summer pointed to the need of some coordination of selling and handling to prevent the glutting of the markets with the fruit, the fruit growers said.

The association will be a non-stock, non-profit organization, and the members will be obliged to contract to sell their entire crop through the association for five years.

COMMUNIST PERIL IN CENTRAL EUROPE

Vienna Riots Ended, but Government Is Forced to Make Concessions.

LIKE BELA KUN REVOLT

Methods of Terrorism Similar to Those Used in Budapest—30,000 in Uprising.

Special Cable to THE NEW YORK HERALD.
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Vienna, Dec. 2.—Pure Communism has raised its head again in central Europe. Its attempt, however, to overawe and subjugate the Government of the struggling Austrian Republic seems for the moment to have been abortive. Strong forces of gendarmes are patrolling the streets and for the moment the Government seems to have the upper hand, yet it was obliged to concede many of the demands of yesterday's mob, which included seizure of foreign currency, State confiscation of gold and heavier taxes on wealth. The Government has promised to strictly control trade and currencies. The seizure of foreign currency and stocks is declared to be difficult and probably will be avoided.

The damage caused by yesterday's pillaging by mobs is estimated at billions of crowns. [Recent exchange quotations valued the crown at \$500 to the dollar.]

The ugliest feature of the situation is that it was plainly of Communist origin, bearing a close resemblance to the Bela Kun uprising in Hungary, though in this case the Communists did not succeed in actually subverting the Government, although in yesterday's demonstration they had the assistance of radical Socialists.

A thousand Communist workers are still striking and it is feared they will continue the riots. Friedrich Adler, radical Socialist leader, declared at a meeting of workers this afternoon: "We are, of course, in a position to overthrow the Government, but we do not want to take over the responsibility."

Rioting Is Held in Check

Nevertheless in the face of these declarations the Government remains calm, a high official assuring THE NEW YORK HERALD correspondent that a big reinforcement of gendarmes is arriving, and that any new mob onslaughts will be rigorously suppressed. Unprejudiced students of the course of events in Austria since the downfall of the Hapsburgs realize that this is probably the ugliest chapter in the history of the Republic, many of whom have been residing in Vienna undisturbed by the weak republican authorities, have been carrying on ceaseless propaganda.

The present state of the Republic among the workers is shown by the methods used in the rioting, which also shows that the same hands arranged them, which were fed to the railroad stations to leave Vienna in pillaging, and many of the rioters carried knapsacks in which to carry away loot as in the Budapest uprising.

In some instances the rioters marched from the suburbs in military columns carrying Soviet flags and wearing the red star badge of Communism.

Terrorism Well Planned

One group carried a gallows with a rope, and when an expensive motor car passed the rioters stopped it and tried to hang the well dressed occupant. He escaped by the back door, but many others who were well dressed also were badly maltreated.

The district which suffered most is precisely that in which rioters are most likely to frighten the bourgeois. The rich private houses were not touched, while hotels, especially such as attract foreigners, suffered most. The Bristol, Grand and Imperial are the worst. They were invaded by furious mobs, the ground floors demolished and the furniture flung into the streets. It is not worthy that hundreds of panic stricken guests who fled to the railroad stations were not seriously molested. Obviously it was the intention of the Communists to let them escape and carry the terror with them.

Among others Sir William Goode, former president of the Austrian Republics Commission, who has worked hardest to secure allied financial aid for Austria, had all his baggage stolen by rioters in the Bristol. The damage spreads over the whole district. Attacks on big banks fortunately were not successful.

MORSE, IN CUSTODY IN HAVRE, TO FIGHT RETURN IF ARRESTED

American May Be Deported on Steamship Paris on Monday.

IS TAKEN ON ARRIVAL

Shocked by Action, He Lays His Troubles to Politics in United States.

DAUGHERTY SENDS ORDER

Attorney-General Tells Shipping Man to Come Back on First Boat.

Special Cable to THE NEW YORK HERALD.
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Havre, Dec. 2.—Charles W. Morse is technically in custody here in a room on the second floor of the Continental Hotel, with a French gendarme standing outside his door. He was detained by three French policemen just as he was about to leave the steamship Paris, aboard which he departed from New York. The American Ambassador in Paris, Myron T. Herrick, had requested his detention of the French Government early this morning on the ground that his presence was desired in the United States in connection with war time shipbuilding contracts.

Present plans are to deport Mr. Morse aboard the Paris when that vessel leaves Havre next Monday. Mr. Morse has summoned a lawyer from Paris for consultation. He said he was willing to return voluntarily, but would fight extradition proceedings if arrested.

Mr. Morse, who appeared crushed by his arrest, offered to put up any amount of cash bail in order to be allowed to continue his journey. He is kept incommunicado and takes his meals in his room.

No Warning of Arrest

Mr. Morse had no warning of his arrest until 8 o'clock this morning, when the steamship received a wireless message which announced the fact to Mr. Morse, who was listed as Mr. Morris. He was in his cabin when the news came to him. He staggered to his berth under the shock.

During the passage from New York to Havre he held aloof from the other voyagers, playing bridge with a man who bore a striking resemblance to him, even to the limp. This man disappeared when the French police agents appeared. Mr. Morse did not make any attempt to hide his identity. Commissioner Fabiani, who had boarded the steamship, after the other passengers left, had lunch aboard the Paris with the Commissioner and then, with his baggage, was taken to the railway police station.

COMPLETE NAVAL ACCORD BY GREAT POWERS NEAR; U. S. PLANS TO AID RUSSIA

London, Via Tokio, Hears of New 4 Power Treaty

CRITICS PUT TO ROUT BY ADMINISTRATION

American Officials Say Attempt to Discredit Conference Has Failed.

CONFIDENT OF SUCCESS

Sentiment for Assisting in Russian Rehabilitation Prevails Among Delegates.

By LOUIS SEIBOLD.
Special Despatch to THE NEW YORK HERALD.
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Washington, D. C., Dec. 2.

The efforts of unfriendly critics and antagonistic newspapers to discredit the Conference for the Limitation of Armament and discussion of Far Eastern matters have completely failed in the opinion of the leading officials of the American Government. In disclosing this fact to-night the spokesmen for the Government and its representatives in the conference expressed the most optimistic estimates of the work accomplished to date and of the prospects for final and satisfactory achievement.

Making allowances for motives back of the cautious processes used in working out the vast problems confronting the delegates of the nine countries represented at the international council table the results to date are viewed by the highest officials of the American Government as being wholly gratifying. "Fine, in every respect; if anything a little too fast in view of the tremendous interests involved which require mutual indulgence, great tact and reasonable patience."

Regarding the greater number of American newspapers it is the pronounced conviction of the most important Government officials that "the American press has contributed to a state of mind toward this conference which is the finest reflex of the heart of the Republic."

High Service of Newspapers

It is further believed by these officials "that it will be to the everlasting credit of the American newspapers, regardless of the results, that they have accurately reflected the state of mind of the American people and have thereby assisted in making the conference a success."

These statements were provoked by a tendency on the part of some newspapers to misrepresent, or misinterpret, the attitude of President Harding toward suggestions for expanding the scope of the present conference. The President has endeavored to make it entirely clear that he has never for an instant considered advocating the creation of any international body to rival or undertake the functions of the League of Nations.

The President and Secretary Hughes have set at rest speculation regarding their purpose to bring forward before the present conference matters outside the agenda. For several days reports have been current that the American officials had discussed with Mr. Balfour the more important features of the Russian situation.

There is no question that the dominant sentiment of the conference favors lending assistance toward the rehabilitation of Russia compatible with international policies. British suggestions in this direction are understood to have been limited to having the conference urge that the territorial integrity of Russia be respected in order to preserve it from outside encroachment.

Japanese Swinging Around

The efforts of the delegates to bring competitive naval figures closer together and smooth out the difficulties of China were rather more interesting to-day than important. The committee are trying to assemble enough material to justify a plenary session by the middle of next week.

Japanese delegates were pouring over figures to support their contention that the Imperial navy is entitled to larger defensive armaments than are provided by the Hughes formula. Results of the conference of the "Big Three" to-night, however, confirmed the prevailing opinion that the diplomatic delegates, who will render the final decision of their country, are coming to the American and British viewpoint. "Tokio is thinking it over" before swinging into line and making certain a satisfactory agreement, was the expressed belief.

MANCHURIA PROBLEM ENGAGES DELEGATES

Russian Rights and Japan's Food Are Factors.

By GEORGES LE CHARTRIER.
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Washington, D. C., Dec. 2.

A problem possibly as important as those now under consideration remains untouched. It inevitably will come up when the demand will be made on Japan to withdraw her troops not only from Manchuria but from all the lands and territories belonging to Russia.

Two countries so imbued with idealism

The delegates of China and Japan continued informal "conversations." Japan wants to know when and how China is going to pay for the cost of administering the Kaio-Chou district of the Shantung peninsula for the last seven years; also what guarantees are to be forthcoming in the way of liquidating the \$250,000,000 which Japanese interests have advanced for the railways in the Pekin sphere of influence. Up to date the discussion of Shantung has been most

MORSE TOLD BY CABLE TO COME BACK AT ONCE

Attorney-General Requests His Immediate Return.

WASHINGTON, Dec. 2.—Attorney-General Daugherty to-night cabled to Charles W. Morse of New York, now in Havre, France, to take the first boat back to the United States.

"Desired you return immediately," the cable read. "Take first boat."

Mr. Daugherty's cable was sent in reply to one from Mr. Morse which said: "Come here to consult my physician regarding operation. Written. Be glad to return when you desire."

It was said to-night that further developments dealing with Morse's transactions with the Shipping Board, which are under Federal investigation, will probably await his return to this country.

It was announced at the Shipping Board to-night that Mr. Morse had been

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